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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(231)

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Date of Decision : 29.04.2025

Anoop Khatana

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana
for respondents No.1 and 2.

Mr. Vivek Chauhan, Advocate
for respondent No.3-Municipal Corporation, Gurugram.

Ms. Deepali Verma, Advocate (Legal Aid Counsel)
for respondents No.6 to 10.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, fetching grievance from the minutes of the meeting dated 21.03.2022 (Annexure P-7), whereby, the petitioner was directed to pay Rs.10,00,000/- as compensation, on account of death of one Balraj Sauda, by the Committee, constituted under the chairmanship of Deputy Commissioner, Gurugram, has approached this Court, seeking quashing of the proceedings of the meeting dated 21.03.2022 (Annexure P-7), as well as the notice of recovery, dated 07.11.2022 (Annexure P-8), issued thereof.

2. The facts which are not under dispute is that, one Balraj Sauda, died due to suffocation from poisonous gas, while he was cleaning the



sewerage, and on account of the said incident, one FIR No.298 dated 28.08.2019, under Section 304-A of the IPC, and under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and under Sections 7, 9 and 22 of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, was registered at Police Station, New Colony, District Gurugram, against the present petitioner. Under the Prevention of Atrocities Act, the department has already released the financial help of Rs.8,25,000/-, to the LRs of the deceased Balraj Sauda.

3. Learned counsel for the petitioner submits that the Committee concerned, has passed a direction upon the petitioner, to pay the compensation, to the LRs of the deceased-Balraj Sauda, but has not recorded any findings to this effect, as to whether, the deceased was employed by the petitioner, or not. He further submits that there is no finding, as to whether, any negligence was attributed to the present petitioner, or not, making him liable to pay the compensation of Rs.10,00,000/-, as imposed upon him. Furthermore, by referring to the application, preferred by the LRs of the deceased Balraj Sauda, as filed under the Employees Compensation Act, 1923, learned counsel for the petitioner submits that the LRs of the deceased has clearly claimed that they are the employees of the Municipal Corporation, and in that eventuality, it was the duty of the Municipal Corporation concerned, to provide the safety equipments to its employees, and in the absence of such compliance, only the Municipal Corporation concerned, can be held liable to pay the compensation.

4. Learned Legal Aid Counsel, who has caused appearance on behalf of the respondents No.6 to 10, has not disputed the fact, as recorded above. However, she submits that either the Municipal Corporation concerned,

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or the present petitioner, are liable to pay the compensation, and even, now the compensation has been enhanced to the tune of Rs.30,00,000/-, and they are liable to pay the enhanced amount, in view of the ratio laid down by Hon'ble Supreme Court in '*Balram Singh versus Union of India and others*' 2023 SCC Online SC 1386.

5. On the other hand, learned State counsel, representing the respondents No.1, 2, 4 and 5, fairly address the arguments, that there is no finding returned by the Committee concerned, to the effect, that as to whether, the deceased was employed by the petitioner, or Municipal Corporation concerned, or by any other individual contractor. In absence of such findings, the impugned directions, as passed by the Committee concerned, requires interference of this Court.

6. Furthermore, learned counsel, who has caused appearance on behalf of the respondent No.3-Municipal Corporation, Gurugram, submits that the deceased was never employed by them, and they have already taken this stand before the Labour Commissioner concerned.

7. This Court, has considered the submissions made by the learned counsel for the parties concerned.

8. The perusal of the impugned order reflects that there is no finding returned by the Committee concerned, fixing the responsibility of the petitioner, as to whether, the deceased was engaged by the petitioner, for the purpose of carrying out the manual sewerage cleaning, or it was the Municipal Corporation concerned, who engaged the deceased, to perform the said duty.

9. In view of the above, this Court, deems it apt to interfere in the directions, as passed by the Committee concerned. Consequently, the direction to the effect of paying the compensation of Rs.10,00,000/-, by the petitioner,



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is hereby **set aside**. The matter is remitted back to the Committee concerned, to take a fresh decision, after considering all the facts and circumstances, and decide the matter, in view of the judgments passed by the Hon'ble Supreme Court in '*Safai Karamchari Andolan and others versus Union of India and others, AIR 2014 SC (CIVIL) 1340*' and '*Balram Singh versus Union of India and others*' 2023 SCC Online SC 1386. The Committee, after affording due opportunity of hearing to the parties concerned, shall take a decision within a period of three months, from the date of receipt of certified copy of this order.

10. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

April 29, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No